

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 19 2006

**NATIONAL AUDUBON SOCIETY,
INC.; et al.,**

Plaintiffs,

and

**NATIONAL TRAPPERS
ASSOCIATION, INC.; et al.,**

Intervenors-Appellants,

v.

**DOUGLAS WHEELER, Resources
Secretary, State of California; et al.,**

Defendants-Appellees,

**PROTECT PETS AND
WILDLIFE/VOTE YES ON
PROPOSITION 4,**

Defendant-Intervenor-Appellee.

No. 04-17477

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CV-98-04610-TEH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Thelton E. Henderson, District Judge, Presiding

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Argued and Submitted December 7, 2005
San Francisco, California

Before: **KOZINSKI** and **SILVERMAN**, Circuit Judges, and **BENITEZ**^{**},
District Judge.

“In every federal case, the party bringing the suit must establish standing to prosecute the action.” *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 11 (2004), *reh’g denied*, 542 U.S. 961 (2004). In this litigation the Trappers have stipulated that they are neither relying on a risk-of-prosecution injury nor a financial injury. Moreover, the Trappers do not assert an aesthetic injury as did another plaintiff below, the National Audubon Society. Instead, the Trappers argue that their voluntary decision to comply with Proposition 4 (and refrain from using their preferred methods of trapping predatory animals) constitutes a sufficient injury in fact, and no further showing is required.

The mere disagreement with a law of general application does not itself constitute the sort of concrete and particularized harm required by *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). The injury put forward by the Trappers, *i.e.*, the voluntary cessation of their preferred method of trapping, does not support Article III standing. *San Diego County Gun Rights Committee v. Reno*,

^{**} The Honorable Roger T. Benitez, District Judge for the Southern District of California, sitting by designation.

98 F.3d 1121, 1129-30 (9th Cir. 1996) (subjective chill on personal behavior from a challenged criminal statute – outside the First Amendment realm – is not sufficient to confer Article III standing).

AFFIRMED.